

## PATENT COOPERATION TREATY

PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>7450M/JB</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/US 00/05200</b>	International filing date (day/month/year) <b>01/03/2000</b>	(Earliest) Priority Date (day/month/year) <b>02/03/1999</b>
Applicant <b>THE PROCTER &amp; GAMBLE COMPANY et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
    - the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
  - b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :
    - contained in the international application in written form.
    - filed together with the international application in computer readable form.
    - furnished subsequently to this Authority in written form.
    - furnished subsequently to this Authority in computer readable form.
    - the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
    - the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished
2.  Certain claims were found unsearchable (See Box I).
3.  Unity of Invention is lacking (see Box II).
4. With regard to the title,
  - the text is approved as submitted by the applicant.
  - the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- the text is approved as submitted by the applicant.
- the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

- as suggested by the applicant.
- because the applicant failed to suggest a figure.
- because this figure better characterizes the invention.

 None of the figures.

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International Application No

PCT/US 00/05200

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 D06F43/00 D06F73/02

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 D06F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	DE 24 33 909 A (SUEDDEUTSCHE METALLWERKE GMBH) 5 February 1976 (1976-02-05) cited in the application page 5, line 28 -page 11, line 23; figures 1,4,5	1,6,16
A	---	4,11,18, 20,21, 23,28,34
Y	US 5 649 372 A (SOUZA WILLIAM J) 22 July 1997 (1997-07-22) column 3, line 12 - line 37; figure 3	1,6,16
A	US 4 761 305 A (OCHIAI HIROMICHI) 2 August 1988 (1988-08-02) the whole document ---	1-3 -/-

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

### ° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

14 July 2000

Date of mailing of the international search report

24/07/2000

Name and mailing address of the ISA

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5 305 484 A (FITZPATRICK JOHN S ET AL) 26 April 1994 (1994-04-26) column 10, line 1 -column 13, line 30 -----	1,4
A	FR 2 704 008 A (MAITRE PATRICK) 21 October 1994 (1994-10-21) the whole document -----	1,16,33
A	US 5 815 961 A (ESTES KURT A ET AL) 6 October 1998 (1998-10-06) column 4, line 34 -column 5, line 4 column 5, line 45 -column 6, line 29 -----	1,6
A	US 5 789 368 A (ROGERS STEVEN BARRETT ET AL) 4 August 1998 (1998-08-04) the whole document -----	1,16,33

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No.

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Patent document cited in search report		Publication date	Patent family member(s)		Publication date
DE 2433909	A	05-02-1976	NONE		
US 5649372	A	22-07-1997	NONE		
US 4761305	A	02-08-1988	JP 1060103 B JP 1582129 C JP 63075167 A KR 9002268 B		21-12-1989 11-10-1990 05-04-1988 07-04-1990
US 5305484	A	26-04-1994	AU 2834389 A CN 1037557 A EP 0324589 A JP 1308597 A ZA 8900192 A		13-07-1989 29-11-1989 19-07-1989 13-12-1989 25-10-1989
FR 2704008	A	21-10-1994	NONE		
US 5815961	A	06-10-1998	CN 1170061 A EP 0816552 A JP 10080331 A		14-01-1998 07-01-1998 31-03-1998
US 5789368	A	04-08-1998	BR 9707077 A CA 2243539 A EP 0894160 A JP 11503058 T WO 9727354 A		20-07-1999 31-07-1997 03-02-1999 23-03-1999 31-07-1997

## PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference  7450M/JB	<b>FOR FURTHER ACTION</b>		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No.  PCT/US00/05200	International filing date (day/month/year)  01/03/2000	Priority date (day/month/year)  02/03/1999	
International Patent Classification (IPC) or national classification and IPC  D06F43/00			
<b>Applicant</b> THE PROCTER & GAMBLE COMPANY et al.			
1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.			
2. This REPORT consists of a total of 9 sheets, including this cover sheet.			
<input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).			
These annexes consist of a total of sheets.			
3. This report contains indications relating to the following items:			
I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input checked="" type="checkbox"/> Certain observations on the international application			

Date of submission of the demand  07/09/2000	Date of completion of this report  28.02.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Martinez, C  Telephone No. +49 89 2399 7510



INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

International application No. PCT/US00/05200

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).*):

Description, pages:

1-16 as originally filed

Claims, No.:

1-36 as originally filed

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

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*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims 2,3,5,7,10,13-15,20,22,24,27,29-32,33,36
	No:	Claims 1,4,6,8,9,11,12,16,17,18,19,21,23,25,26,28,34,35
Inventive step (IS)	Yes:	Claims
	No:	Claims 1-36
Industrial applicability (IA)	Yes:	Claims 1-36
	No:	Claims

2. Citations and explanations  
**see separate sheet**

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:  
**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:  
**see separate sheet**

Reference is made to the following documents:

- D1: DE-A-2433909
- D2: US-A-5649372
- D3: US-A-5815961
- D4: US-A-5789368
- D5: US-A-4761305

**Re Item V**

**1. Novelty**

The present application does not meet the requirements of Article 33(2) PCT because the subject-matter of the following claims does not appear to be new.

***Independent Claims:***

**Claim 1**

Claim 1 is so broad and its subject-matter so vague (see Item VIII) that any method for treating a fabric article including the steps of placing fabrics in a container and varying the temperature and relative humidity would anticipate the novelty of Claim 1.

Document D1, which is considered to represent the most relevant state of the art, also discloses a method for treating a fabric article comprising the steps of:

- a) placing the article in a container having an opening and at least one wall that defines an interior void space (D1: p.9, I.1-3 + fig.1);
- b) raising the temperature and relative humidity of the air within the interior void space of the container to a predetermined temperature (D1: 60 to 70°C) and a predetermined first relative humidity for a predetermined first period of time (D1: p.9, 2<sup>nd</sup> paragraph);
- c) changing **at least one** of the temperature **or** the relative humidity of the air within the interior void space of the container at the end of the first period of time to a predetermined second temperature and a predetermined second relative humidity for a predetermined second period of time (D1: p.9, 3<sup>rd</sup> paragraph).

Therefore the subject-matter of Claim 1 does not appear to be new.

It should be noted that, the way Claim 1 is worded (see Item VIII), its subject-matter

also appears to lack novelty over documents D2 and D3.(D2: col.1, I.6-11 + col.3, I.13-37 ; D3: col.1, I.8-11 + col.5, I.45-67 + col.6, I.14-30).

**Claim 16**

The novelty objection raised against Claim 1 also applies to Claim 16 as document D1 also discloses the introduction of ozone into the interior void space of the container for a predetermined period of time (D1: p.9, last paragraph).

***Dependent Claims:***

**Claims 4 and 21**

In document D1 vapour is also used to raise the temperature and relative humidity within the interior void space of the container (D1: p.9, I.11-15).

**Claims 6, 8, 9, 11, 23, 25, 26, 28, 34 and 35**

In document D1, the container also comprises a heating element (D1: Luftheritzer 7, see p.6, I.15-18), a humidity provider (D1: Luftbefeuchter 13), a passive humidity controller (D1: Regelvorrichtung 30, see p.6, I.18-22), a vent (D1: Frischluftöffnung 17, see p.6, I.34 to p.7, I.1), a filter (D1: Frischluftfilter 9) and an air circulation device, e.g. a fan (D1: Umluftventilator 5, Abluftventilator 11) (see D1: p.5, I.28 to p.7, I.1 + fig. 1).

**Claims 12 and 17**

In document D1, the first temperature is at least about 45°C (D1: 60 to 70°C, see p.9, I.17).

**Claims 18 and 19**

Document D1 discloses the additional features of Claims 18 and 19 (D1: p.9, I.26-28).

**2. Inventive step**

The present application does not meet the requirements of Article 33(3) PCT because the subject-matter of the following claims does not appear to involve an inventive step.

**Claims 2 and 3**

Contacting fabrics with a "pre-treatment" composition before treating them at different

temperatures and relative humidity is well-known to the person skilled in the art (see for example, document D4 and D5: col.3, l.46 to col.4, l.3 + l.64-66).

**Claim 5 and 22**

The third step claimed in Claims 5 and 22 is the usual step followed in the art to allow fabrics to cool down.

**Claims 7 and 24**

In document D1 the temperature is pre-programmed, nevertheless active temperature controller are widely used in fabric treatments.

**Claims 10 and 27**

Introducing a perfume in vapour used to treat fabrics is well-known to the person skilled in the art.

**Claims 13 to 15 and 30 to 32**

The additional features of Claims 13 to 15 and 30 to 32 are not explicitly disclosed in the prior art documents available, nevertheless the values claimed for the second temperature and relative humidity may also be achieved in the fabric treatments described in the prior art.

**Claim 20**

The benefits of ozone in fabric treatments are well-known in the art.

**Claim 29**

The additional feature of Claim 29 can be obtained by the person skilled in the art by carrying out routine tests to determine the most appropriate air velocity.

**Claim 33**

It is well-known in the art to use a cartridge in order to release a cleaning and refreshment composition into the interior void space of a container, such as for example a tumble drier .

**Claim 36**

It is well-known in the art to stretch or tension garments before treating them in order to

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avoid any wrinkling.

**Re Item VII**

Contents of documents should normally not be "incorporated by reference" (see p.9, I.20-29 + p.11, I.1-23 + p.12, I.8-22 + p.13, I.1-15) unless it is essential to satisfy the requirements of Article 5 PCT, see PCT International Preliminary Examination Guidelines, Ch. II-4.17 (PCT Gazette Special Issue dated 29 October 1998).

The vague and imprecise statement in the description on page 11, lines 25-26 implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity of the claims (Article 6 PCT) when used to interpret them (see PCT International Preliminary Examination Guidelines, Ch. C-III-4.3a, PCT Gazette Special Issue dated 29 October 1998). This statement should therefore have been amended to remove this inconsistency.

The applicant's attention is drawn to the use of the term "preferably" in Claims 5, 6, 12, 14, 15, 17, 22, 23, 29, 31, 32, 36 since the feature following such a term is to be regarded as entirely optional (see PCT International Preliminary Examination Guidelines, Ch. C-III-4.6, PCT Gazette Special Issue dated 29 October 1998).

**Re Item VIII**

The present application does not meet the requirements of Article 6 PCT, because the subject-matter of the following claims is not clear.

**Independent Claims 1 and 16**

Although claims 1 and 16 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought. The aforementioned claims therefore lack conciseness (see PCT International Preliminary Examination Guidelines, Ch. C-III.5, PCT Gazette Special Issue dated 29 October 1998). Moreover, lack of clarity of the claims as a whole arises, since the plu-

rality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

The set of claims should have defined the relevant subject-matter in terms of a single independent claim followed by dependent claims covering features which are merely optional (Rules 29(3) and (4) EPC).

According to the description (see p.6, I.3-4), the ozone treatment disclosed in Claim 16 can supplement or replace the deodorization step, e.g. step b) of Claim 1. Claim 16 could therefore have been drafted as a dependent claim upon Claim 1 or the ozone treatment could have been added to the subject-matter of Claim 1 as a supplementary or alternative step to step b).

Claims 1 and 16 are too broad in that their subject-matter is not precise enough, the reasons being as follows:

- The verb "treating" is very vague and includes any treatment to which a fabric article could be submitted. A method for **cleaning and refreshing** would have been more precise (see p.4, I.10);
- The expression "fabric article" is also very vague. According to the description (see p.2, I.25-28), it appears that the present invention is directed to "dry clean only fabrics";
- "A container having an opening and at least one wall that defines an interior void space" includes most of the items which can be qualified as containers. For example, as acknowledged by the applicant (see p.3, I.27-28 + p.4, I.12-13 + p.8, I.4-13), a cabinet or a tumble dryer also fall within the scope of the invention (see item V), which is in contradiction with the objective of the present application (see p.2, I.22-24). Besides, it is not clear how a "simple" plastic bag (which falls also within the scope of the invention, see p.3, I.27-28) can be arranged with a fan, a heating element, a thermocouple and a reservoir in fluid communication with the heating element as described in example I (see p.13, I.32-33). Said container should therefore have been more precisely defined;
- The term "predetermined" is not precise enough, which renders steps b) and c) too vague. Claim 1 does not disclose which first temperature and relative humidity have to be used, nor which values the second temperature and relative humidity should have in respect with the first temperature and relative humidity. The first and second temperature and relative humidity should have been precisely defined

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in Claim 1.

**Dependent claims:**

**Claim 2**

The expression "pre-treatment composition" is very vague and should have been more precisely defined (see p.9, l.31 to p.10, l.20).

**Claim 3**

Claim 3 can not be dependent upon Claim 1 as the so called "contacting" has not been previously defined in Claim 1.

**Claim 20**

Claim 20 attempts to define the subject-matter in terms of the result to be achieved, which is not allowable in this instance (see PCT International Preliminary Examination Guidelines, Ch.C-III, 4.7, PCT Gazette Special Issue dated 29 October 1998). Claim 20 should therefore have been deleted.

**Claim 34**

Claim 34 appears to be redundant as Claim 23 already discloses the presence of a filter. Claim 34 should therefore have been deleted.